

STATE OF NEW JERSEY
OFFICE OF THE PUBLIC DEFENDER
CODE OF ETHICS

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Amended July 27, 1995, September 27, 2001,
March 6, 2003 and July 3, 2003

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SECTION I: ENACTMENT

The New Jersey Conflicts of Interest Law, N.J.S.A. 52:13D-12 et seq., establishes specific standards of conduct for State officers and employees and for special State officers and employees, as those terms are defined in N.J.S.A. 52:13D-13(b) and (e). In accordance with the specific statutory authority mandated by N.J.S.A. 52:13D-23, the Office of the Public Defender initially promulgated this Code of Ethics in 1975 to govern the conduct of all State officers and employees and all special State officers and employees of the Office. This Code has been amended on July 25, 1995, on September 27, 2001, on March 6, 2003, and on July 3, 2003.

SECTION II: PURPOSE

In addition to the purposes and goals stated in N.J.S.A. 52:13D-12 and N.J.S.A. 52:13D-23, this Code of Ethics is formulated to provide specific standards to govern and guide the conduct of all officers and employees within the Office of the Public Defender, to preserve the public confidence in the propriety of their activities, to protect the integrity of the public employment system, and to protect its officers and employees from private, commercial, economic, or political interference.

SECTION III: APPLICABILITY

This Code of Ethics is applicable to every person who either holds an office in, or is employed by, or is assigned to the Office of the Public Defender, whether on a temporary, permanent, or volunteer basis. It is deemed to have been accepted as a condition of employment by any individual who continues to be, or who becomes, an officer or employee of the Office of the Public Defender.

If any section, sub-section, paragraph, sentence, or other part of this Code is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Code, but shall be confined in its effect to that part of the Code ruled to be unconstitutional or invalid.

SECTION IV: DEFINITIONS

With the exception of the following, all terms used in this Code shall be deemed to have their usual and ordinary meanings, unless otherwise defined by N.J.S.A. 52:13D-12 et. seq. or by the Rules and Regulations approved and adopted by the Executive Commission on Ethical Standards.

Commission - Executive Commission on Ethical Standards.

Consultant - A professional who possesses a specific, technical expertise and who is retained by the Office of the Public Defender to provide assistance and information in specialized areas.

Designated Counsel - An attorney engaged in the private practice of law who is retained by the Office of the Public Defender on a case-by-case or per diem basis to provide legal representation for a client of the Office.

Ethics Liaison Officer - A member of Public Defender Management who is designated by the Public Defender to carry out all of the duties and responsibilities of the Office of the Public Defender pursuant to this Code of Ethics, the Conflicts of Interest Law, the Administrative Code, and all rules and regulations established by the Executive Commission on Ethical Standards.

Event - A meeting, conference, seminar, speaking engagement, symposium, training course, ground-breaking, ribbon-cutting, meal, open house, cocktail party, fundraiser, holiday party, social function, or similar event that takes place away from the State officer's or employee's work location, is sponsored or co-sponsored by a non-State government source, and the invitation for which is extended to the State officer or employee because of his/her official position.

Family Member - See "Relative".

Independent Contractor - A professional who is retained by the Office of the Public Defender on a case-by-case basis, including designated counsel ("pool attorneys") and consultants.

Office of the Public Defender - The State of New Jersey, Office of the Public Defender, its divisions, regions, and offices. "Office" shall mean Office of the Public Defender.

Officer, Employee, State officer or employee, Special State officer or employee, or office employee - Any person holding an office or employment, whether compensated or uncompensated, within the Office of the Public Defender as defined in N.J.S.A. 52:13D-13(b) and (e). This definition specifically excludes those individuals who are defined as Independent Contractors.

Political Activity - Activity which is primarily focused on affecting the election of a specific candidate or candidates to public office or to political party office, or the election of the

candidates of a particular political party in general.

Public Defender - The Public Defender or his/her duly designated representative.

Published Work - Any tangible medium of expression, including but not limited to literary, pictorial, graphic and sculptural matter, sound recordings, and software.

Relative - Spouse, parent, child, sibling, grandparent, grandchild, uncle, aunt, nephew, niece, father-in-law, mother-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, or first cousin, whether in whole or half blood, by marriage, adoption or natural relationship, and the spouse of any such person.

SECTION V: GENERAL PROVISIONS

A. CONFLICTS OF INTEREST

(1) Every State officer and/or employee within the Office of the Public Defender is subject to the applicable provisions of the Conflicts of Interest Law (N.J.S.A. 52:13D-12 et. seq.) and to the regulations promulgated by the Executive Commission on Ethical Standards. N.J.A.C. 19:61-1.1 et. seq. No provision of this Code shall be construed to supercede or abrogate the Conflicts of Interest Law or the regulations of the Commission.

(2) Pursuant to the terms of N.J.S.A. 52:13D-23(e)(1), no State officer or employee within the Office of the Public Defender shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, which is in substantial conflict with the proper discharge of his/her duties in the public interest, or which interferes with the operation of the Office.

(3) Pursuant to the terms of N.J.S.A. 52:13D-23(e)(2), no State officer or employee within the Office of the Public Defender shall be permitted to engage in any business, profession, trade, or occupation which is subject to licensing or regulation by a specific agency of State government without first promptly filing notice of such activity with, and obtaining the approval of, the Ethics Liaison Officer for the Office of the Public Defender, who shall then file same with the Executive Commission on Ethical Standards.

(4) No manager in any office, nor any other officer or employee responsible for the assignment of cases to designated counsel or for the approval to retain a consultant or other independent contractor on a matter, shall permit the assignment of cases to or approve the hiring of a designated counsel or other independent contractor who is a relative, or to an associate, partner, or employee of a law firm or other business in which a relative is employed or has an interest, nor shall

he/she permit the assignment of cases or the hiring of a consultant or other independent contractor with whom he/she shares an outside financial interest.

B. RECUSAL PROCESS

(1) The recusal process applies to all State officers and employees and all special State officers and employees within the Office of the Public Defender as defined by N.J.S.A. 52:13D-13(b) and (e).

(2) Recusal is required by the terms of N.J.A.C. 19:61-7.4 for any matter in which the officer or employee either has any financial interest, either direct or indirect, that is incompatible with the discharge of his/her public duties, or has any personal interest, either direct or indirect, that is incompatible with the discharge of his/her public duties.

(3) An incompatible financial or personal interest includes, but is not limited to, outside employment, a debtor/creditor relationship, a fiduciary relationship, a source of income, any matter pertaining to a relative or co-habitant, a relationship with a person providing funds, goods or services without compensation, any matter pertaining to a business associate or business investment, and a leadership role in a professional or trade organization, which interest might reasonably be expected to impair a State officer's or employee's objectivity and independence of judgment in the exercise of his/her official duties or might reasonably be expected to create an impression or suspicion among the public having knowledge of his/her acts that he/she may be engaged in conduct violative of his/her trust as an officer or employee.

(4) A State officer or employee within the Office of the Public Defender must seek the advice of the Ethics Liaison Officer or the Executive Commission on Ethical Standards as to the propriety of participation in a matter if any person requests that he/she recuse him/herself from that matter. Any oral advice given in order to avoid delay must subsequently be memorialized in written form.

(5) Once a determination has been made that recusal is necessary, the recusal must be absolute and the officer or employee must have no further involvement in the matter.

(6) All recusals must be memorialized in written form and must specify the specific reason for and the date of the recusal, the duration of the recusal, the effect of the recusal on the officer or employee and on the Office of the Public Defender, and the name of the person to whom responsibility and authority for the matter has been assigned. This written form must then be disseminated to all persons who might be affected by the officer's or employee's recusal, and to the Ethics Liaison Officer, who shall maintain the writing for as long as the officer or employee serves in his/her position.

C. UNAUTHORIZED USE OF OFFICIAL POSITION

(1) Pursuant to the terms of N.J.S.A. 52:13D-23(e)(3), no State officer or employee within the Office of the Public Defender shall use or attempt to use his/her official position to secure

unwarranted privileges or advantages for him/herself or others.

(2) Pursuant to the terms of N.J.S.A. 52:13D-23(e)(4), no State officer or employee within the Office of the Public Defender shall act in his/her official capacity in any matter wherein he/she has a direct or indirect personal or financial interest that might reasonably be expected to impair his/her objectivity or independence of judgment.

(3) Pursuant to the terms of N.J.A.C. 19:61-6.6, no State officer or employee within the Office of the Public Defender shall permit the use of his/her official title for the purpose of fund-raising for a private organization.

(4) No State officer or employee within the Office of the Public Defender shall willfully disclose or use, whether or not for the purpose of pecuniary gain, any information that he/she obtained, received, or acquired during the fulfillment of his/her official duties and which is not available to members of the general public.

This provision shall be interpreted consistent with the New Jersey Right to Know Law, the common law right of inspection of public documents, the attorney-client privilege, and the work product rule.

(5) No State officer or employee within the Office of the Public Defender shall use his/her official position or authority to influence or control in any manner whatsoever, either directly or indirectly, another person's right to vote for political candidates of his/her own choosing, or to contribute or refuse to contribute to political parties or candidates.

D. OUTSIDE ACTIVITY AND SECONDARY EMPLOYMENT

(1) GENERAL PROVISIONS

(a) Pursuant to the terms of N.J.S.A. 52:13D-23(e)(5), no State officer or employee within the Office of the Public Defender shall undertake any employment, position, service, or activity, whether compensated or not, which might reasonably be expected to impair his/her objectivity and independence of judgment in the exercise of his/her official duties, or which interferes with the operation of the Office.

(b) No State officer or employee within the Office of the Public Defender shall make use of his/her office or employment for the purpose of promoting or advertising any outside activity or secondary employment.

(c) No State officer or employee within the Office of the Public Defender shall engage in any outside activity or secondary employment or act as an independent contractor, whether or not for compensation, or hold any elected or appointed public office, or provide any non-compensated legal services, or accept appointment to any Ethics Committee without first submitting a written request to the Ethics Liaison Officer for approval to engage in such activity and then

obtaining that approval. The approval of such outside activity shall not be unreasonably withheld.

(d) All approvals for permission to engage in any outside activity, secondary employment, or appointed or elected public office shall be conditioned upon the State officer's or employee's agreement to perform all such obligations on his/her own personal time, in his/her private capacity, and without the utilization of any State resources.

(e) Should any officer or employee have any questions pertaining to this section, he/she should write to the Ethics Liaison Officer for clarification. In addition to the Code of Ethics and other policies established by the Office of the Public Defender, the Guidelines for Secondary Employment promulgated by the Executive Commission on Ethical Standards will be utilized in the response to questions and in the determination of approvals.

(2) ANNUAL DISCLOSURE AND REPORTING

Pursuant to the terms of N.J.A.C. 19:61-2.2, all State officers and employees within the Office of the Public Defender who have been granted an approval pursuant to the terms of Section V Paragraph D(1)(c) above, shall disclose in writing, on an annual basis and on the form designated by the Executive Commission on Ethical Standards, whether the officer or employee remains engaged in the secondary employment or other business or outside activity. Annual reporting shall be made to the Ethics Liaison Officer for the Office of the Public Defender, who shall then be responsible for the prompt filing of all disclosures with the Commission.

(3) CIVIC AND VOLUNTEER ACTIVITIES

(a) Officers and employees are free to engage in volunteer activities on behalf of non-profit charitable, religious, sports, professional and other non-profit organizations provided such activities would not reasonably be expected to cast material doubt on their objectivity and independence of judgment in the exercise of their official functions.

(b) An attorney may, in a private capacity, be a member of, hold a leadership position in, and/or participate in the activities of any bar or professional organization devoted to the improvement of the law or the legal system or the enhancement of the skills and professionalism of the members of the bar, provided that such activities would not reasonably be expected to cast material doubt on his/her objectivity and independence of judgment in the exercise of his/her duties for the Office of the Public Defender.

An attorney may also be designated by the Public Defender to engage in such activities in an official capacity.

(4) PUBLISHED WORKS

(a) Pursuant to the terms of N.J.A.C. 19:61-6.7, no State officer or employee

within the Office of the Public Defender shall accept compensation for any published work that was created as part of his/her official duties, on State time and utilizing State resources. He/she may, however, accept compensation for published works that were not created as part of his/her official duties.

(b) A State officer or employee of the Office within the Public Defender shall secure the permission of his/her Deputy or Director and of the Ethics Liaison Officer prior to accepting compensation for a published work that was not created as part of his/her official duties.

In determining whether such approval can be granted, the Deputy and Ethics Liaison Officer shall consider the provisions of the Conflicts of Interest Law, this Code of Ethics, any applicable Executive Orders, the Commission's Guidelines for Secondary Employment, any other applicable guidelines or rules of the Commission, any administrative policies of the Office of the Public Defender inclusive of the press policy, whether compensation is being paid by an interested party, and whether the published work uses or discloses information that is not generally available to the public.

(c) The State officer or employee shall prepare the published work on his/her own time, without utilization of the services of other State officers or employees or resources owned by the State.

(d) The State officer or employee shall not use his/her official title in any way in soliciting compensation for a published work and shall affirmatively indicate that his/her views do not represent those of either the State of New Jersey or the Office of the Public Defender.

(5) SPEAKING ENGAGEMENTS

(a) A state officer or employee within the Office of the Public Defender may accept speaking engagements or take part in educational endeavors provided that such activities are consistent with all aspects of this Code of Ethics and would not reasonably be expected to cast material doubt on his/her objectivity and independence of judgment in the exercise of his/her official duties.

(b) The officer or employee shall secure the permission of his/her Deputy or Director and of the Ethics Liaison Officer prior to accepting any speaking engagement which would reasonably be perceived as bearing any relationship to the officer's or employee's official duties. He/she shall also provide written notice containing a description of the proposed activity and specifying whether or not compensation will be received.

In determining whether such approval can be granted, the Deputy and Ethics Liaison Officer shall consider the provisions of the Conflicts of Interest Law, this Code of Ethics, any applicable Executive Orders, the Commission's Guidelines for Secondary Employment, any other applicable guidelines or rules of the Commission, any administrative policies of the Office of the Public Defender inclusive of the press policy, whether compensation is being paid by an interested party, and whether the speaking engagement would disclose information that is not

generally available to the public.

(c) When giving a speech in a private capacity, under circumstances which identify him/her as an officer or employee of the Office of the Public Defender, the State officer or employee shall declare, in writing or orally as appropriate, that the views expressed are his/hers and do not reflect the views of either the State of New Jersey or of the Office of the Public Defender.

(6) POLITICAL ACTIVITY

(a) All State officers and employees within the Office of the Public Defender are prohibited from becoming candidates for election to any elective public office and from accepting appointment to same (e.g. to fulfill the unexpired term of an elected public official). Officers or employees may, however, run for non-partisan election to a school board.

(b) All State officers and employees within the Office of the Public Defender are prohibited from engaging in any political activity in any manner which calls attention to, or in any way relies upon, their status as an officers or employees of the Office of the Public Defender.

(c) No State officer or employee within the Office of the Public Defender shall engage in any political activity during the hours of work or at any other time so as to interfere with the operation of the Office of the Public Defender.

(d) No State officer or employee within the Office of the Public Defender shall directly or indirectly use or seek to use the authority or influence of his/her position to control or modify the political action of another person, to coerce contributions from other officers or employees in support of any political cause, or to interfere with or influence any political matter.

(e) No State officer or employee of the Office of the Public Defender shall display a political picture or sticker on any State-owned or State-leased property or vehicle, nor shall he/she wear any indicia of political affiliation during work hours.

(f) No provision of this Code shall be interpreted as prohibiting any State officer or employee within the Office of the Public Defender from voting, making political contributions, privately expressing partisan political preferences, or attending political functions in his/her private capacity.

E. ACCEPTANCE OF AN AWARD

An officer or employee may accept an award or other honor given by a charitable or civic group which is being given because of the officer's or employee's public service, provided that the officer or employee accepts no monetary award, honorarium, stipend or other thing of value and provided that the attendance at any event or function at which the award is presented is in

accordance with this Code and any other relevant guidelines issued by the Executive Commission on Ethical Standards.

The officer or employee may accept a plaque, trophy, or other commemorative item of nominal value.

Notice of the anticipated receipt of any such award must be given to the Public Defender and to the Ethics Liaison Officer prior to its acceptance by the officer or employee.

F. ACCEPTANCE OF GIFTS

(1) Pursuant to the terms of N.J.S.A. 52:13D-23(e)(6), no State officer or employee within the Office of the Public Defender shall solicit, agree to accept or accept, whether directly or indirectly, any gift, favor, service, or other thing of value under circumstances from which it might be reasonably inferred that such gift, service, or other thing of value was given or offered for the purpose of influencing him/her in, or rewarding him/her for, the discharge of his/her official duties.

(2) Pursuant to the terms of N.J.S.A. 52:13D-14, no State officer or employee, nor special State officer or employee, within the Office of the Public Defender shall accept from any person, whether directly or indirectly and whether by him/herself or through a relative or through any partner or associate, any gift, favor, service, employment or offer of employment, or any other thing of value which he/she knows or has reason to believe is offered to him/her with intent to influence him/her in the performance of his/her public duties and responsibilities.

(3) Any State officer or employee, or special State officer or employee, within the Office of the Public Defender who receives, whether directly or indirectly, a gift, benefit, favor, service, or any other thing of value, whether or not it is pecuniary in nature, from a person, corporation, or association with whom he/she has had contact in his/her official capacity shall immediately report the receipt of the item, favor, service, employment or offer of employment and remit same immediately to the Ethics Liaison Officer.

Unsolicited gifts or benefits of a trivial or nominal value, such as complimentary articles offered to the public in general, and gifts received as a result of mass advertising mailings to the general business public may be retained by the recipient or the recipient's office for general use, provided that such use does not create an impression of a conflict of interest or a violation of the public trust.

An impression of a conflict may be created, for example, if an office displays a wall calendar from a bail bonding company, thus creating the impression of an endorsement.

If circumstances exist which create a reasonable doubt as to the intention with which the gift or benefit was offered, then the gift or benefit must be remitted to the Ethics Liaison Officer for a determination of whether it can be retained.

The Ethics Liaison Officer for the Office of the Public Defender shall determine whether the gift, benefit, favor, service, employment, offer of employment, or other thing of value was given or offered with the intent to influence or reward the performance of the recipient's public duties and responsibilities, or whether it may be reasonable to infer that it was given or offered with the intent to influence or to reward the performance of his/her public duties and responsibilities, or whether the use of the item will create an impression of a conflict of interest or a violation of the public trust.

Upon a determination that there was an intent or that it may be reasonable to infer that there was an intent to influence or to reward the performance of the recipient's public duties and responsibilities, or that the use of the item will create an impression of a conflict or a violation of the public trust, the Ethics Liaison Officer shall return the gift or thing of value to the donor.

The Ethics Liaison Officer shall be charged with the responsibility of maintaining a record of all such occurrences, which must include the name of the employee, the name of the individual, corporation, or association involved, and the final disposition of the gift or other thing of value.

No such offer or gift or benefit shall be accepted or transferred by any officer or employee prior to receiving approval from the Ethics Liaison Officer for the Office of the Public Defender.

G. APPROVAL FOR ATTENDANCE AT EVENT

No State officer or employee may attend an event, whether sponsored by an interested party or by an entity other than an interested party, without first obtaining the written approval of his/her Deputy or Director and of the Ethics Liaison Officer on the form proscribed by the Executive Commission on Ethical Standards. These forms shall be retained by the Office of the Public Defender for a period of not less than five (5) years.

Pursuant to the terms of N.J.A.C. 19:61-6.3, approval will be granted or withheld based upon an evaluation of whether a legitimate State purpose will be served by the attendance. In making that determination, consideration shall be given to the Conflicts of Interest Law, this Code of Ethics, any applicable Executive Orders, the guidelines and rules of the Commission, any administrative policies of the Office of the Public Defender, and any other relevant considerations, including but not limited to the identity of the sponsor, the purpose of the event, the identity of other expected participants, whether the attendance/participation in the event will assist the State officer or employee in carrying out his/her official duties and support the mission of the agency, and the monetary value and character of the costs, benefits and/or honoraria provided by the sponsor.

If approval to attend an event is granted, a determination regarding the payment of expenses, whether direct or indirect benefits may be accepted, and whether an honorarium or fee may be accepted from the sponsor shall be made by the Ethics Liaison Officer pursuant to the provisions of

N.J.A.C. 19:61-6.4 and N.J.A.C. 19:61-6.5.

H. DESIGNATED COUNSEL

(1) Designated counsel are not subject to the provisions of this Code of Ethics but are subject to the Rules of Professional Conduct.

(2) No State officer or employee of the Office of the Public Defender shall share, either directly or indirectly, in any benefit derived from his/her referral of a matter to designated counsel or any other outside vendor.

I. PRACTICE OF LAW

(1) Any State officer or employee within the Office of the Public Defender who is admitted to the Bar of this State or any other jurisdiction, shall devote his/her full time to his/her duties for the Office of the Public Defender and shall not engage in the private practice of law, in this or any other jurisdiction, for compensation or any other thing of value, during the term of employment. Nothing in this Section shall be deemed, however, to prohibit an attorney, who is also an active member of the military reserves, from providing legal advice to his/her respective service branch.

(2) Any request to provide legal representation without compensation must be submitted to the Ethics Liaison Officer for approval on a case by case basis. This must conform to the provisions of Section D of this Code of Ethics. Approval will be withheld unless the Ethics Liaison Office is able to determine that the matter is not adversarial in nature and does not require the utilization of a trust account.

J. FILING OF FINANCIAL DISCLOSURE STATEMENT

All State officers and employees within the Office of the Public Defender holding the title of Public Defender, First Assistant Public Defender, Assistant Public Defender, Director of Mental Health Advocacy, Assistant Director of Mental Health Advocacy, Director of Administration, Assistant Director of Administration, or any other title as required by Executive Order, shall promptly file the required Financial Disclosure Statement on an annual basis or at any other time required by the Office of the Governor or by the Executive Commission on Ethical Standards.

K. ADVISORY OPINIONS

In the event that any officer or employee of the Office of the Public Defender is in doubt as to whether or not a particular course of action is permissible pursuant to the terms of this Code of Ethics, he/she shall refer the matter, in writing, to the Ethics Liaison Officer for an opinion.

All opinions issued by the Ethics Liaison Officer shall be promptly filed with the Executive Commission on Ethical Standards.

L. HATCH ACT

Every officer or employee of the Office of the Public Defender whose principal employment is connected with an activity that is financed in whole or in part by loans or grants made by the government of the United States or a Federal agency is subject to the provisions of 5 U.S.C.A. 1501(4), commonly known as the Hatch Act.

SECTION VI: CONDUCT OF STATE OFFICERS AND EMPLOYEES

A. Officers and employees of the Office of the Public Defender who are members of the Bar of the State of New Jersey are subject to the Rules of Professional Conduct as adopted by the Supreme Court of the State of New Jersey. RPC 1.1 et. seq. Attorneys employed by the Office of the Public Defender shall conduct themselves in accordance with every affirmative duty and obligation imposed upon them by the Rules of Professional Conduct and any other court rules, directives, or statutes that govern the conduct of attorneys.

The provisions of this Code of Ethics shall be construed as supplemental to the Rules of Professional Conduct.

B. Pursuant to the terms of N.J.S.A. 52:13D-23(e)(7), no State officer or employee shall knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public, having knowledge of his/her acts, that he/she may be engaged in conduct that is violative of his/her trust as a State officer or employee.

C. The officers and employees of the Office of the Public Defender shall hold that office or employment as a public trust and shall strive to preserve and protect the public's confidence in the Office's fair and impartial execution of its duties and responsibilities.

D. The officers and employees of the Office of the Public Defender shall support the Constitution of the United States and the Constitution of the State of New Jersey, and shall comply with the laws

and statutes of the United States and with the laws, statutes, and ordinances of this State and its political subdivisions.

E. The officers and employees of the Office of the Public Defender shall make all decisions in connection with official duties on a fair and impartial basis, without regard to race, color, gender, religion, age, handicap, national origin, marital status, affectional or sexual orientation, political affiliation, or other improper consideration.

F. The officers and employees of the Office of the Public Defender shall perform all official duties with professionalism and courtesy to the public, the Court, adversaries, clients, and other

officers and employees of the Office.

G. The officers and employees of the Office of the Public Defender shall hold in public trust any property owned or leased by the State, or any other property or funds entrusted to them in the course of their official duties, and shall exercise reasonable care to protect such property from waste, destruction, and improper use.

H. The officers and employees of the Office of the Public Defender shall not use Office personnel, property, supplies, or information in any manner to advance private interests or to satisfy private obligations.

I. The officers and employees of the Office of the Public Defender shall not knowingly falsify, alter, destroy, or conceal any writing, record, or other documentation required to be kept by law, regulation, or Office policy which is entrusted to them in the course of their official duties.

J. The officers and employees of the Office of the Public Defender shall meet their responsibilities for the payment of federal, state and local taxes and shall promptly satisfy all final judgments, liens, decrees or similar court-ordered obligations placed upon them.

K. It shall be the duty of each officer or employee of the Office of the Public Defender to refrain at all times from any criminal conduct. Should an officer or employee be served with a criminal complaint, or any other type of summons or complaint which may adversely impact upon the performance of his/her duties to the Office, it is the affirmative obligation of that officer or employee to report the matter to the Ethics Liaison Officer immediately.

L. It shall be the duty of each attorney employed by the Office of the Public Defender to promptly notify the Ethics Liaison Officer of any ethics complaint that is filed against him/her. The attorney shall also immediately provide a copy of the complaint and his/her answer to the complaint to the Ethics Liaison Officer and shall advise the Ethics Liaison Officer of the disposition of same.

M. It shall be the duty of each attorney employed by the Office of the Public Defender to remit payment of the annual sum assessed for the NJ Lawyers' Fund for Client Protection no later than the stated due date. The attorney shall be required to notify the Ethics Liaison Officer if such payment is not remitted by the required due date.

N. It shall be the duty of each officer or employee of the Office of the Public Defender who is aware of conduct by him/herself or any other officer or employee within the Office which violates this Code of Ethics to disclose the conduct to the Ethics Liaison Officer.

O. It shall be the duty of each officer or employee of the Office of the Public Defender who reasonably believes that any activity, policy, or practice of the Office is in violation of a law, or a rule, or a regulation promulgated pursuant to law, or is fraudulent or criminal, or is incompatible with a clear mandate of public policy concerning the public health, safety, or welfare, to immediately disclose the activity, policy, or practice to a member of Public Defender Management

whom the Public Defender has specifically designated to receive such reports pursuant to the provisions of the Conscientious Employee Protection Act, N.J.S.A. 34:19-1 et. seq.

P. It shall be the duty of any State officer or employee within the Office of the Public Defender who intends to testify on behalf of the State in any criminal matter to promptly notify the Ethics Liaison Officer.

Q. Any disclosure, notification, reporting or requests for assistance or advice required by the provisions of this section shall be made in written form, and shall contain an explanation of all relevant circumstances and details.

SECTION VII - DETERMINATIONS OF THE ETHICS LIAISON OFFICER

Should the Ethics Liaison Officer determine that a request by an officer or employee for permission to participate in any outside activity, or employment, or any other matter for which specific permission of the Ethics Liaison Officer is required pursuant to the terms of this Code, cannot be granted due to the fact that the statutory and/or regulatory prerequisites for approval have not been satisfied, the decision of the Ethics Liaison Officer, with the approval of the Public Defender, shall be the final decision of the Office of the Public Defender. No other State officer or employee of the Office of the Public Defender shall have the authority to grant permission when this section of the Code is applicable.

SECTION VIII - VIOLATIONS OF THE CODE OF ETHICS

Pursuant to the terms of N.J.A.C. 19:61-2.2, each State officer or employee within the Office of the Public Defender is required to sign a receipt indicating the date on which he/she received a copy of this Code of Ethics. Each State officer or employee must also acknowledge that he/she is required to read this Code and is bound by its terms.

Pursuant to the terms of N.J.S.A. 52:13D-23(d), a violation of this Code of Ethics by any State officer or employee within the Office of the Public Defender shall be cause for removal, suspension, demotion, or other disciplinary action by the Office of the Public Defender. No action for removal or discipline shall be taken, however, except upon the referral to, and with the approval of, the Executive Commission on Ethical Standards.

When a person who is in the classified civil service is charged with a violation of this Code of Ethics, the procedure leading to such removal or discipline shall be governed by any applicable provisions of the Civil Service Law and the Rules of the Department of Civil Service.